

THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.7146 OF 2007

ORDER:

This writ petition is filed to declare the action of the respondents in acting against the policies of the State and the Central Governments and the directions of the Reserve Bank of India to consider the loans advanced to the agriculturists for one time settlement and to waive the interest on the loans advanced, as illegal, arbitrary and against the principles of natural justice and opposed to public policy of the State and Central Governments and Reserve Bank policies.

2. The case of the petitioners is that they have obtained loans for purchase of tractor, trailer and other agricultural implements from the third respondent bank by mortgaging their agricultural lands and their permanent abodes in the year 1997, and they paid instalments till 2000. Thereafter, due to drought conditions prevailing in their respective Mandals from the agricultural season of 2001 onwards till 2004 and due to shortfall of rains resulting in crop loss, they could not repay the loan amounts as agreed to the third respondent. Thus, the third respondent bank filed suits before the Civil Court for recovery of the amounts and the said suits were decreed. Then, the petitioners made a representation on 28.06.2005 to the third respondent to waive the loans in pursuance of the policy decision taken by

the Central Government, State Government and Reserve Bank of India, but the said representation was not considered by the third respondent. Hence, the petitioners are constrained to file the present writ petition.

3. Considering the case of the writ petitioners for waiver of the loans or one time settlement of the loans as per the policy decision of the Central Government, State Government and Reserve Bank of India, this Court, while admitting the writ petition, issued notices, but the respondents failed to file any counter denying the contentions of the writ petitioners.

4. However, in considered view of this Court, the petitioners could not make out any case for directing the third respondent to consider their claims for waiver or one time settlement of the loans at this length of time. The third respondent had not violated any statutory right in not considering petitioners' claim for waiver or one time settlement of the loans to issue writ under Article 226 of the Constitution of India to the third respondent.

5. In the above facts and circumstances of the case, the writ petition is dismissed, giving liberty to the petitioners to approach the third respondent bank by way of fresh representation by giving full details and enclosing the policy decision of the Central Government, State Government and Reserve Bank of India to consider their case afresh. No costs.

6. Miscellaneous Petitions, if any, pending in this Writ
Petition shall stand closed.

JUSTICE M.GANGA RAO

2nd February, 2018
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